

EXHIBIT 21

ROBERT M. STARK, M.D., P.C.
FELLOW, AMERICAN COLLEGE OF PHYSICIANS
FELLOW, AMERICAN COLLEGE OF CARDIOLOGY
40 WEST ELM STREET
GREENWICH, CONNECTICUT 06830

(203) 622-1102
FAX (203) 622-1508
www.robertstarkmd.com

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Fieger Law

July 10, 2014

Gary N. Felty, Esq.
Fieger, Fieger, Kenney, Giroux &
Harrington
Attorneys and Counselors at Law
19390 West Ten Mile Road
Southfield, MI 48075-2463

Personal/Confidential/Not for Discovery

Re: Anderson/Merrill v. Police Officer Jeff Madaj, et al.
USDC Case No.: 1:13-CV-11159-TLL-CEB
File No.: 12680

Dear Attorney Felty:

I have completed my review of the records of Bobby Louis Merrill, the 38 year-old man from Saginaw, Michigan, who died while in Saginaw Police custody on 4/10/12.

MATERIAL REVIEWED

Included in this review were Saginaw Police Department records and reports; 911 recordings; police vehicle dashboard videos' SPD Taser videos; 2 cell phone video recordings; Taser Equipment Sign Out Log and Taser Downloads; St. Mary's Hospital 4/10/12 E.R. records; 4/11/12 Autopsy Report; Supervisor Taser Use Report.

BACKGROUND AND TRAINING

I am a graduate of the Harvard Medical School, and am board-certified in both internal medicine and cardiology. I have a full-time practice in both areas. I completed cardiology fellowship training at the National Institutes of Health (N.I.H.) in Bethesda, Maryland. I serve as instructor for the American Heart Association's course in Advanced Cardiac Life Support (ACLS) certification program for healthcare professionals, and am responsible for the clinical teaching of medical students and residents.

Bobby Louis Merrill
July 10, 2014
Page 2

CASE REPORT

Mr. Merrill was observed walking in and out of traffic on Washington Street on 4/10/12 at 4:04 P.M. He was unarmed and was not assaulting anyone. Police responded, but he would not heed their directions. Police officers Madaj, Severs, Guest and/or Wietecha fired their TASERS at Mr. Merrill. The latter shock (from Officer Wietecha) caused Mr. Merrill to fall, temporarily incapacitated. The officers successfully hand cuffed him with two sets of cuffs behind his back then bound his ankles together with a rope. They then applied a "hobble" restraint to his legs and used a 3rd set of handcuffs to secure this to the hand cuffs behind his back.

Officers Severs, Guest, Wietecha and Madaj carried Mr. Merrill to the patrol car and placed him in the back seat on his side, restrained and immobilized. He was then left alone unattended. When Officers Madaj and Wietecha returned to the patrol car, they found Mr. Merrill unconscious, unresponsive and pulseless. They began CPR which was continued on the ambulance and then in the St. Mary's Hospital E.R. Mr. Merrill could not be resuscitated and he died at 7:11 P.M.

Pre-mortem and post-mortem blood testing revealed a metabolic acidosis and elevated muscle enzyme (CPK of 864 – with normal less than 170). Alcohol level was .03 (normal \leq .01), and cocaine level 112 (toxic \geq 260). Significantly, the heart was entirely normal at autopsy without any coronary or valvular heart disease present.

The lungs showed severe alveolar congestion and acute pulmonary edema. These particular lung findings – in the absence of any significant heart or valvular disease – are commonly seen in asphyxiation and are consistent with choking or suffocation.

ANALYSIS

Excessive force was used to subdue Mr. Merrill. At least 11 TASER firings were documented in the Saginaw Police Department's TASER Log. Each TASER shock causes the prisoner's muscle to contract involuntarily making breathing difficult. Mr. Merrill's muscle enzymes were dramatically elevated (864) indicating acute muscle damage. This could have been from the TASER shocks, struggling, or multiple baton beatings (shown in the police videos).

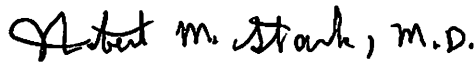
Mr. Merrill was restrained in a manner that is known to cause asphyxiation. He was hog-tied with his hands cuffed behind his back and then doubly secured to his leg restraints. This position is known to cause asphyxiation. Saginaw Police photos 1 & 2 show Mr. Merrill lying prone with his hands cuffed behind his back in this manner.

Bobby Louis Merrill
July 10, 2014
Page 3

Mr. Merrill was left alone and unattended in the back seat of a police cruiser while he was hog-tied. When the officers returned to the car, they found him pulseless and unresponsive. To a reasonable degree of medical certainty, this use of excessive force and indifference to Mr. Merrill's well being caused his death.

These opinions are to a reasonable degree of medical certainty. Please do not hesitate to contact me if there is any additional information or input that I can provide in this case. -

Sincerely,


Robert M. Stark, M.D., FACC

RMS: rc